

By: 

H.B. No. 1278

A BILL TO BE ENTITLED

AN ACT

relating to the requirement that a person who performs certain tissue-altering procedures be licensed.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1602.002(a), Occupations Code, is amended to read as follows:

(a) In this chapter, "cosmetology" means the practice of performing or offering to perform for compensation any of the following services:

(1) treating a person's hair by:

(A) providing any method of treatment as a primary service, including arranging, beautifying, bleaching, cleansing, coloring, cutting, dressing, dyeing, processing, shampooing, shaping, singeing, straightening, styling, tinting, or waving;

(B) providing a necessary service that is preparatory or ancillary to a service under Paragraph (A), including bobbing, clipping, cutting, or trimming; or

(C) cutting the person's hair as a separate and independent service for which a charge is directly or indirectly made separately from charges for any other service;

(2) weaving or braiding a person's hair;

(3) shampooing and conditioning a person's hair;

(4) servicing a person's wig or artificial hairpiece

1 on a person's head or on a block after the initial retail sale and
2 servicing in any manner listed in Subdivision (1);

3 (5) treating a person's mustache or beard by
4 arranging, beautifying, coloring, processing, styling, or
5 trimming;

6 (6) cleansing, stimulating, or massaging a person's
7 scalp, face, neck, or arms:

8 (A) by hand or by using a device, apparatus, or
9 appliance; and

10 (B) with or without the use of any cosmetic
11 preparation, antiseptic, tonic, lotion, or cream;

12 (7) beautifying a person's face, neck, or arms using a
13 cosmetic preparation, antiseptic, tonic, lotion, powder, oil,
14 clay, cream, or appliance;

15 (8) administering facial treatments;

16 (9) removing superfluous hair from a person's body
17 using depilatories or mechanical tweezers;

18 (10) treating a person's nails by:

19 (A) cutting, trimming, polishing, tinting,
20 coloring, cleansing, or manicuring; or

21 (B) attaching false nails; [~~or~~]

22 (11) massaging, cleansing, treating, or beautifying a
23 person's hands or feet; or

24 (12) performing a noninvasive procedure on a person's
25 tissue for cosmetic purposes, including microdermabrasion or
26 chemical exfoliation.

27 SECTION 2. Section 1602.254(a), Occupations Code, is

1 amended to read as follows:

2 (a) Except as provided by Section 1602.2585, a [A] person
3 holding an operator license may perform any practice of
4 cosmetology.

5 SECTION 3. Sections 1602.255(a) and (c), Occupations Code,
6 are amended to read as follows:

7 (a) Except as provided by Section 1602.2585, a [A] person
8 holding an instructor license may perform any practice of
9 cosmetology and may instruct a person in any practice of
10 cosmetology.

11 (c) The commission shall adopt rules for the licensing of
12 specialty instructors to teach specialty courses in the practice of
13 cosmetology defined in Sections 1602.002(a)(7)[1602.002(7)], (9),
14 [and] (10), and (12).

15 SECTION 4. Subchapter F, Chapter 1602, Occupations Code, is
16 amended by adding Section 1602.2585 to read as follows:

17 Sec. 1602.2585. ELIGIBILITY FOR TISSUE-ALTERING SPECIALIST
18 LICENSE. (a) Only a person holding a tissue-altering specialist
19 license may perform the practice of cosmetology defined in Section
20 1602.002(12).

21 (b) To be eligible for a tissue-altering specialist
22 license, an applicant must:

- 23 (1) be at least 17 years of age;
24 (2) have obtained a high school diploma or the
25 equivalent of a high school diploma or have passed a valid
26 examination administered by a certified testing agency that
27 measures the person's ability to benefit from training; and

1 (3) have the necessary requisites in the specialty as
2 determined by the department, including training through a
3 commission-approved training program.

4 SECTION 5. Section 1602.262(a), Occupations Code, is
5 amended to read as follows:

6 (a) An applicant for an operator license, instructor
7 license, manicurist license, tissue-altering specialist license,
8 or facialist specialty license is entitled to the license if the
9 applicant:

- 10 (1) meets the applicable eligibility requirements;
11 (2) passes the applicable examination;
12 (3) pays the required fee; and
13 (4) has not committed an act that constitutes a ground
14 for denial of the license.

15 SECTION 6. Section 1602.403(a), Occupations Code, is
16 amended to read as follows:

17 (a) A private beauty culture school may not employ:
18 (1) a person holding an operator license, manicurist
19 license, tissue-altering specialist license, or specialty
20 certificate solely to perform the practices of cosmetology for
21 which the person is licensed or certified; or

22 (2) a person holding an instructor license to perform
23 any act or practice of cosmetology.

24 SECTION 7. (a) Not later than January 1, 2008, the Texas
25 Department of Licensing and Regulation shall adopt rules as
26 required by Section 1602.2585, Occupations Code, as added by this
27 Act.

1 (b) Notwithstanding Section 1602.2585, Occupations Code, as
2 added by this Act, a person is not required to hold a license under
3 that section before June 1, 2008.

4 SECTION 8. This Act takes effect September 1, 2007.

80TH LEGISLATURE

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

Bill or Resolution Number:

HB1278

Signature of primary author

printed name of primary author

FEB 08 2007

Date

PERMISSION TO SIGN HB1278 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)

☒ ALL REPRESENTATIVES

☐ THE FOLLOWING REPRESENTATIVE(S):

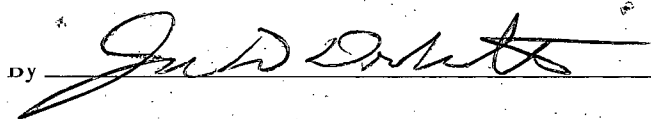
I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2100 Allen	Date	A2450 Cook, Byron	Date	A2795 Farabee	Date
A2125 Alonzo	Date	A2565 Cook, Robby	Date	A2820 Farias	Date
A2150 Anchia	Date	A2595 Corte	Date	A2810 Farrar	Date
A2155 Anderson	Date	A2605 Crabb	Date	A2840 Flores	Date
A2145 Aycock	Date	A2610 Craddick	Date	A2850 Flynn	Date
A2160 Bailey	Date	A2615 Creighton	Date	A2860 Frost	Date
A2205 Berman	Date	A2640 Crownover	Date	A2920 Gallego	Date
A2230 Bohac	Date	A2645 Darby	Date	A2915 Garcia	Date
A2240 Bolton	Date	A2620 Davis, John	Date	A2960 Gattis	Date
A2250 Bonnen	Date	A2625 Davis, Yvonne	Date	A2945 Geren	Date
A2280 Branch	Date	A2680 Delisi	Date	A2935 Giddings	Date
A2265 Brown, Betty	Date	A2690 Deshotel	Date	A2910 Gonzales	Date
A2270 Brown, Fred	Date	A2705 Driver	Date	A4660 Gonzalez Toureilles	Date
A2255 Burnam	Date	A2665 Dukes	Date	A2990 Goolsby	Date
A2295 Callegari	Date	A2660 Dunnam	Date	A3045 Guillen	Date
A2495 Castro	Date	A2650 Dutton	Date	A3035 Haggerty	Date
A2585 Chavez	Date	A2775 Eiland	Date	A3050 Hamilton	Date
A2480 Chisum	Date	A2780 Eissler	Date	A3100 Hancock	Date
A2525 Christian	Date	A2785 Elkins	Date	A3160 Hardcastle	Date
A2425 Cohen	Date	A2805 England	Date	A3150 Harless	Date
A2435 Coleman	Date	A2800 Escobar	Date	A3165 Harper-Brown	Date

A3170 Hartnett	Date	A3730 Mallory Caraway	Date	A4200 Puente	Date
A3175 Heflin	Date	A3780 Martinez	Date	A4230 Quintanilla	Date
A3155 Hernandez	Date	A2835 Martinez Fischer	Date	A4215 Raymond	Date
A3140 Herrero	Date	A3665 McCall	Date	A4220 Riddle	Date
A3250 Hilderbran	Date	A3650 McClendon	Date	A4250 Ritter	Date
A3275 Hill	Date	A3845 McReynolds	Date	A4270 Rodriguez	Date
A3305 Hochberg	Date	A3830 Menendez	Date	A4350 Rose	Date
A3290 Hodge	Date	A3840 Merritt	Date	A4525 Smith, Todd	Date
A3325 Homer	Date	A3825 Miles	Date	A4540 Smith, Wayne	Date
A3330 Hopson	Date	A3835 Miller	Date	A4530 Smithee	Date
A3315 Howard, Charlie	Date	A3860 Moreno	Date	A4505 Solomons	Date
A3310 Howard, Donna	Date	A3870 Morrison	Date	A4545 Strama	Date
A3340 Hughes	Date	A3865 Mowery	Date	A4565 Straus	Date
A3375 Isett	Date	A3875 Murphy	Date	A4570 Swinford	Date
A3350 Jackson	Date	A3885 Naishtat	Date	A4585 Talton	Date
A3405 Jones	Date	A3900 Noriega	Date	A4600 Taylor	Date
A3480 Keffer	Date	A3880 Oliveira	Date	A4630 Thompson	Date
A3470 King, Phil	Date	A3886 Olivo	Date	A4650 Truitt	Date
A3460 King, Susan	Date	A3930 Orr	Date	A4685 Turner	Date
A3465 King, Tracy	Date	A3940 Ortiz, Jr.	Date	A4700 Van Arsdale	Date
A3495 Kolkhorst	Date	A3945 Otto	Date	A4780 Vaught	Date
A3485 Krusee	Date	A4090 Parker	Date	A4725 Veasey	Date
A3450 Kuempel	Date	A4050 Patrick	Date	A4800 Villarreal	Date
A3520 Latham	Date	A4100 Paxton	Date	A4900 Vo	Date
A3540 Laubenberg	Date	A4140 Pena	Date	A4995 West	Date
A3560 Leibowitz	Date	A3240 Pierson	Date	A5005 Woolley	Date
A3610 Lucio, III	Date	A4160 Phillips	Date	A5150 Zedler	Date
A3705 Macias	Date	A4180 Pickett	Date	A5170 Zerwas	Date
A3715 Madden	Date	A4185 Pitts	Date	District 29	Date

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FEB 08 2007

Filed with the Chief Clerk

FEB 14 2007

Read first time and referred to Committee on Public Health

Reported ___ favorably (as amended)
(as substituted)

Sent to Committee on (Calendars)
(Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of ___ yeas, ___ nays, ___ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of ___ yeas, ___ nays, ___ present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of ___ yeas, ___ nays, ___ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(___ yeas, ___ nays)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(___ yeas, ___ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of ___ yeas, ___ nays

Read third time, _____, and passed by a (viva voce vote)
(___ yeas, ___ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)